

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

HORATIO DEMARIOS SMITH, :  
Plaintiff :  
: vs. : CIVIL No. 1:13-CV-2914  
R. LINDSEY, et al., :  
Defendants :  
:

*O R D E R*

AND NOW, this 7th day of January, 2015, upon consideration of the Report and Recommendation of Magistrate Judge Carlson (Doc. 44), and Plaintiff's objections thereto, it is ORDERED that:

1. The Report and Recommendation is ADOPTED with one exception addressed in Paragraph 5 hereof.
2. Defendants' motion for summary judgment is GRANTED.
3. Plaintiff's Eighth Amendment claim is DISMISSED WITH PREJUDICE.
4. Defendant Lindsey and Defendant Gonzalez are DISMISSED.
5. The case is remanded to Magistrate Judge Carlson to issue a Report and Recommendation on Defendant Sudul's motion for summary judgment.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge